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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/623,852 Confirmation No. : 8122
First Named Inventor : Martin PELLER
Filed : October 30, 2000
TC/A.U. : 2154
Examiner : Dustin Nguyen

Docket No. : 080437.49160US
Customer No. : 23911

Title : Operating Method for a Data Bus with a Plurality of
Nodes

RESPONSE PURSUANT TO A FILING UNDER 37 CFR 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are addressed to the final Patent Office Action dated February 19, 2004 and the Advisory Action of June 29, 2004.

According to the statement in the Advisory Action, the arguments presented in the Reply After Final Rejection of May 19, 2004 were not persuasive because limitations from the specification are not read into the claims and the Applicant's arguments relate to subject matter not claimed.

Applicant's submit that the Weis reference does not have any indication that a start time is "solely a function" of the hierarchical transmission sequence. This is claim language directly taken from independent claims 5 and 9 in the last two lines. More particularly, the last two lines indicate that the information signals are independent of any one of said nodes and wherein said starting transmission has a start time which is solely a function of said hierarchical transmission sequence. As support for this claim language, Applicant's had, in the May 19, 2004 Response, submitted that page 9, lines 3-7 indicated that the start time of a signal no longer depends on the different transit time in the system but rather on the identifier of the signal to be transmitted and the allocation of the data bus by telegram with lower identifier. It is this language

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which has been indicated as not "recited in the claims". Applicants submit that the language of the claims recites that information signals are independent of any of the nodes. This is supported by the language that the start time of a signal no longer depends on the different signal transit times in the system.

The reference to Weis, which is used to reject claims 5-12 under 35 U.S.C. §102, explains at column 8, lines 12-14 that the propagation delays from the fourth, fifth and sixth station 40-60 to the secondary star coupler 2 are denoted by v40, v50 and v60. As has been indicated the arrival of the data frame in Weis as discussed at column 8, lines 44-50 is a direct function of the propagation delays between the station (node) and the star coupler. There is no indication that a start time is "solely a function" of the hierarchical transmission sequence. The remainder of pages 2-4 of the May 19, 2004 Response, which is incorporated herein by reference, discusses other particular indications in Weis wherein the start time is a function of v20 which is a propagation delay and is therefore a function of something other than the hierarchical transmission sequence. The claimed invention embodied in independent claims 5 and 9 requires that the "start time" be solely a function of such transmission sequence and there is no disclosure in Weis of such a feature. Additionally, as discussed above, there is a plurality of indications that the start time is controlled by something other than the hierarchical transmission sequence.

Therefore Applicants submit that, not only is this feature specifically claimed in the sole independent claim 5 but also such feature is not shown in Weis, disclosed in Weis or suggested in Weis. Still further, there are the above discussed indications in Weis that the start time is dependent on something other than what is claimed in the Applicant's invention, i.e., "solely a function of said hierarchical transmission sequence".

In summation Applicants submit that the claimed invention of independent claims 5 and 9 defines over the art of record and the specification supports this wording with the disclosure of Weis evidencing a different operation.

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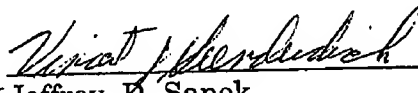
In addition to independent claims 5 and 9 dependent claims 10-12 are also submitted as allowable. Therefore, Applicants respectfully request that this application containing claims 5-12 be allowed and passed to issue.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.49160US).

Respectfully submitted,

November 19, 2004


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